

Hello Mr. Chairman and committee members. My name is Bret George from Missoula. I want to start off by telling you that I appreciate the work you have done so far in recognizing that some changes need to be made to MCA 76-3-204, exemption from subdivision review for sale, rent or lease.

I believe your bill has made a good start; however, I have a gray bill that I would like to share and distribute to the committee members. This gray bill was developed with the input of a land use attorney from Missoula. She was asked to review House Bill 494 to ensure that, based on her experience, it included necessary changes and clarifications to MCA 76-3-204. Based on her experience in Montana District Court regarding exemptions for subdivision she felt that a few simple changes could be made that will clarify the law. I have also provided a copy of her position regarding these changes.

Namely, in Subsection 2 she felt it was necessary to clarify that whenever a property was zoned then the property must be in conformance with zoning regulations; however, if it was not zoned then subsection 1 would still be applicable. This is similar to how other exemptions from subdivision review are treated. It makes clear that even if the development is exempt from subdivision review, it is not exempt from zoning, if the area is zoned. As with other exemptions, you may still use the exemption on unzoned property.

Additionally, in Subsection 1, it was recommended that the language be changed to clarify that the law is referring to one or more buildings rather than one or more parts of a building.

It is very important to get this bill out of committee as it appears there are no other options to solve the problems individuals have been facing around the state in regards to exemptions for subdivision, rent or lease. In many cases these exemptions are good projects. If nothing is changed, I understand that the Attorney General will make a ruling that appears to be overly restrictive.

The reason I am here today is because my employer purchased approximately 200 acres of unzoned property in Western Montana. The property had existing structures that had been intended for a camp for adults with developmental needs. The structures are currently in a shell finish and have been that way for the past approximate 10 years due to various reasons, including the County's position regarding exemptions for subdivision for lease or rent.

My employer bought the property with the intention of donating the property to an entity for the purposes of a church camp and other camp possibilities to meet the needs of area youth groups. His intention would be to complete the dormitory buildings for the campers, construct a dormitory for the camp staff and a residence for the camp director. Each building would be connected to an engineered community septic system and would have a kitchen in each building. There is no intention of individually selling each building.

Before, my employer purchased the property he met with the county planning department and was told that potentially he would need to go through a full subdivision review in order to complete the existing buildings, let alone construct additional buildings. This is all for a camp that is intended to benefit area youth. There is no intention of dividing the property and selling the buildings. In such an event then a subdivision review would be applicable and appropriate. To require a camp that will be providing lodging to guests to go through a subdivision is simply not logical. Missoula County let us know that under the AG's interpretation of this statute as it exists, each bunk within each dormitory would be considered a unit of rental and would be subject to subdivision review.

I encourage you to move the existing bill out of committee and consider the gray bill in future discussions. Thank you for your time.

Bret George testimony for HB 494 on 2/17/2011